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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 JESSE KNEER,

12 Plaintiff,

13 v.

14 HENRY RICHARDS,

15 Defendant.  
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Case No. C08-5021 RJB/KLS

SECOND ORDER TO AMEND  
COMPLAINT

17 On February 26, 2008 Plaintiff was directed to file an amended complaint raising only issues that are  
18 germane to him. (Dkt. # 10). Plaintiff's amended complaint was due on or before March 28, 2008.  
19 Plaintiff has failed to submit an amended complaint or request an extension of time within which to file  
20 his amended complaint.

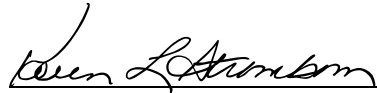
21 Since the Court issued its Order directing Plaintiff to file an amended complaint, a non-party, Sam  
22 Donaghe, filed a petition for writ of mandamus. (Dkt. # 11). That petition was forwarded to the Ninth  
23 Circuit Court of Appeals by direction of District Court Judge Robert J. Bryan. Plaintiff's compliance  
24 with this Court's Order to file an amended complaint in this case is not in any manner affected by Mr.  
25 Donaghe's filing or the filings of any other non-parties. Plaintiff is advised that he must file an amended  
26 complaint in this matter or the Court will recommend that this case be dismissed for failure to comply  
27 with a court order and failure to prosecute.

28 Accordingly, the Court will allow Mr. Kneer additional time, until **May 9, 2008**, to file his

1 amended complaint raising only issues that are germane to him.

2 The Clerk is directed to send a copy of this Order to Plaintiff and to note this matter for **May 9,**  
3 **2008.**

4 DATED this 15th day of April, 2008.

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8 Karen L. Strombom  
9 United States Magistrate Judge  
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